

REMARKS

In response to the Final Office Action mailed February 21, 2003, and the Request for Continued Examination submitted herewith, Applicant respectfully requests reconsideration.

Claims 1 and 23-41 are pending in this application. Independent claims 1, 32, and 36 have been amended herein.

Telephone Interview With Examiner Zimmerman

The undersigned appreciates the courtesies extended to him by Examiner Zimmerman during the telephone interviews of April 23 and April 24, 2003. The substance of these telephone interviews are summarized below.

On April 23, 2003, the undersigned telephoned Examiner Zimmerman to discuss the above-identified application in light of the final rejection of claims 1 and 23-41 under 35 U.S.C. §103(a) over the combination of Tsurumoto et al. (U.S. Patent No. 4,817,203, "Tsurumoto") and Kwoh (U.S. Patent No. 5,852,478), and over the combination of Tsurumoto and Kwoh in view of additional references. The undersigned briefly summarized the claimed invention, and the arguments set forth in the response mailed December 9, 2002 as to why the claimed invention patentably distinguished over the various combinations of Tsurumoto and Kwoh. The undersigned also pointed out that page 7 of the Office Action appeared to indicate that if the independent claims were amended in a manner that more clearly set forth that the first and second remote control devices were physically distinct from one another, then those claims would patentably distinguish over the asserted combinations. Because Examiner Zimmerman did not have the present application in front of him, he indicated that he would review the application and contact the undersigned the following day.

On April 24, 2003, Examiner Zimmerman telephoned the undersigned to further discuss this application, primarily with respect to claim 1. During this discussion, the undersigned proposed amending the independent claims to clarify that the first remote control device is physically distinct from the second remote control device. Although no substantive agreement was reached, and while reserving final judgment, Examiner Zimmerman indicated that if the independent claims were amended to clarify this aspect, then this would appear to distinguish

over the asserted combinations of Tsurumoto and Kwoh. However, Examiner Zimmerman also indicated that he would be unlikely to consider the proposed claim amendments after Final Rejection, because he believed they would require further consideration and search.

Rejections under 35 U.S.C. §103(a)

Independent claims 1 and 32 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Tsurumoto in view of Kwoh. Independent claim 36 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Tsurumoto and Kwoh, in further view of U.S. Patent No. 5,081,534 to Geiger et al. ("Geiger").

Each of independent claims 1, 32, and 36 has been amended to clarify that the first remote control device is "physically distinct" from the second remote control device. As such, Applicant respectfully believes that each of the amended independent claims patentably distinguishes over the asserted combination of Tsurumoto and Kwoh, and also over the asserted combination of Tsurumoto, Kwoh, and Geiger, as the asserted combinations do not disclose, teach, or suggest first and second remote control devices that are physically distinct from one another. Specifically, although different functionality is imparted to the remote controller 8 of Tsurumoto (Fig. 2) when the selection switch 21 is moved from one position to another, it is still the same physically distinct device. Accordingly, it is respectfully requested that the rejection of independent claims 1, 32, and 36 under 35 U.S.C. §103(a) over the combination of Tsurumoto and Kwoh, and over the combination of Tsurumoto and Kwoh in further view of Geiger be withdrawn.

Claims 23-41 depend either directly or indirectly from one of independent claims 1, 32, or 36 and patentably distinguish over the combination of Tsurumoto and Kwoh, alone and in combination with Miyagawa (4,989,081), Mills (6,088,355), and Geiger for at least the same reasons as the independent claim from which they respectively depend.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believed, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge the deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

Peter John HULME

By: 

Robert A. Skerivanek, Jr., Reg. No. 41,316
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Tel. (617)720-3500
Attorneys for the Applicant

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